



General Assembly

February Session, 2010

Amendment

LCO No. 5340

SB0036905340SD0

Offered by:

SEN. COLEMAN, 2nd Dist.

SEN. DOYLE, 9th Dist.

REP. WALKER, 93rd Dist.

SEN. PRAGUE, 19th Dist.

To: Senate Bill No. 369

File No. 257

Cal. No. 185

**"AN ACT CONCERNING THE ENFORCEMENT OF SURETY
CONTRACTS BY NURSING HOMES."**

1 Strike lines 9 and 10 in their entirety and insert the following in lieu
2 thereof: "prohibited from enforcing a [surety] contract [on behalf of an
3 applicant required as a condition of admission] with a third-party
4 guarantor or an admissions agreement entered into with a responsible
5 party who has access to an applicant or resident's assets or financial
6 information unless: (1) The guarantor under"

7 In line 14, strike the opening bracket

8 Strike line 16 in its entirety and insert the following in lieu thereof:
9 "in accordance with its regulations; and (3) such contract contains"

10 In line 17, insert an opening bracket before "clause", insert a closing
11 bracket after "states" and after the closing bracket insert the following:
12 "notice advising the applicant or third-party guarantor that (A)"

13 In line 21, strike ":" and strike the opening bracket

14 In line 24, strike the closing bracket and after "regulations" insert the
15 following and renumber the remaining subsection accordingly: "(B)
16 state and federal law prohibit a nursing home facility from requiring a
17 third party to personally guarantee payment as a condition of
18 admission or continued stay in the facility; and (C) due to the
19 complexity involved in preparing an application for Title XIX benefits,
20 it may be advisable for the person completing such application to seek
21 professional assistance or legal advice. Such notice shall be written in
22 not less than ten-point, boldface type, shall be stated in plain and
23 simple language and, whenever possible and in accordance with any
24 applicable federal guidelines, shall be in the primary language of the
25 recipient"

26 (c) A nursing home facility may prepare and submit an application
27 for Title XIX benefits to the Department of Social Services on behalf of
28 a person residing in or seeking admission to the nursing home facility,
29 provided such person or such person's authorized representative
30 authorizes the nursing home facility, in writing, to prepare and submit
31 such application on such person's behalf.

32 In line 25, bracket "(c)" and after the closing bracket insert "(d)"